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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Gerald H. Ablan

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EXAMINER

HEWITT II, CALVIN L

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,411

Applicant(s)

ABLAN, GERALD H.

Examiner

Calvin L. Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27, 29-44, 46, 49, 50 and 53-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27, 29-44, 46, 49, 50 and 53-66 is/are rejected.
- 7) ☒ Claim(s) 44 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Status of Claims

1. Claims 27, 29-44, 46, 49, 50, and 53-66 have been examined.

Response to Arguments/Amendments

2. Applicant's arguments with respect to claims 27, 29-44, 46, 49, 50, and 53-66 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 44 is objected to because of the following informalities: Claim 44 is incorrectly identified as "canceled". Claim 46 is also objected to as it depends from claim 44.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 27, 29-44, 46, 49, 50, and 53-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's claims 27 and 53 are directed to computer-readable mediums storing computer executable instructions for electronic auctions and managing auctions, respectively. However, it is not clear to one of ordinary skill whether the steps of creating, posting, displaying, etc. describe the executable instructions or, merely further describe the auctions.

Claims 29-44, 46, 49, 50, and 54-66 are also rejected as they depend from claims 27 and 53, respectively.

Claim 40 recites the limitation " the closed auction data " in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 27, 29-31, 34-36, 39-44, 46, 49, 50, 53-55, 58-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al., U.S. Patent No. 6,415,270 in view of Conklin et al., U.S. Patent No. 6,141,653.

As per claims 27, 29-31, 34-36, 39-44, 46, 49, 50, 53-55, 58-66, Rackson et al teach an electronic auction system comprising:

- an election auction library comprising records of items (figure 2; column 6, lines 5-9)
- electronic image, textual description and advertisement libraries comprising reusable images, descriptions and ad templates (figures 3 and 10; column 9, lines 25-35)
- creating a subject auction submission for a selected item comprising image, description and a set of auction parameter fields in a format defined by ad template data and creating the submission by combining the image, description and ad template (column 9, lines 25-35)
- obtaining predefined, user input, or a combination of predefined and input entries setting selected values for the auction parameters and displaying values in connection with corresponding auction parameters fields (column 9, lines 25-35; column/line 18/62-19/3; column 19, lines 22-27)
- storing and posting on multiple auction sites (for sale) the submission (figures 3 and 4; column 9, lines 5-35; column/line 10/52-11/50)

- an auction monitoring report comprising an auction management record for each of the previously posted subject auction submissions (multiple items) (column 27, lines 35-39; column 28, lines 25-30) where each record has information pertaining to auctions, allows a user to manage auctions (column 23, lines 6-10) and each report has a plurality of records (column 28, lines 25-30)
- [periodically] revisiting (i.e. identifying and parsing a webpage) auction sites to obtain information pertaining to the subject auction and updating the record for the appropriate auction with the updated information (i.e. feedback) (column 8, lines 22-39; column 9, lines 35-49; column 12, lines 15-23; column 17, lines 35-37; column 18, lines 5-9; column 23, lines 6-10; column 25, lines 55-61; column 28, lines 25-30)
- determining that the subject auction has closed (column 27, lines 30-39) and processing closed auction data (column 9, lines 27-29; column 17, lines 12-39; column 18, lines 5-48)
- automatically sending a notice of the auction closing (e.g. feedback) in a manner specified in a record associated with the auction monitoring report (column 9, lines 27-29; column 17, lines 12-39; column 18, lines 5-9)

Regarding the displaying of the auction monitoring report and updating the report to include closing information, these features although not explicitly recited are at least

suggested, by the system of Rackson et al. as the allows for clients (i.e. buyers and sellers) to monitor auctions (figure 14 (buyer's perspective); column 28, lines 25-30). Conklin et al. on the other hand, explicitly teach a system for tracking the status of a user's (seller) sales transactions and an interface for displaying (e.g. rows and icons) to the user said status in a common view ('653; figures 8, 12, and 15a). Conklin et al. also teach a sales record library for storing sales records ("Click on any order to view the order in more detail...") (figure 12), updateable tracking fields for tracking the status regarding purchaser notification (e.g. negotiation), transaction completion, item shipped and payment (figures 1i, 1g- items 54 and 58, 7, 8, 12, and 13; column 24, lines 18-41) of a transaction, receiving user interaction or input to change display of tracking fields (e.g. the system receives results of negotiation) (figures 1i, 7, 12, and 15a; column 24, lines 18-41) and post-sale feedback (figures 7 and 8). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Rackson et al. and Conklin et al. in order to more effectively (compared to by phone) and efficiently (compared to mail or phone) present auction status report to users.

As per claim 42, Rackson et al. disclose informing a user that her, his or their bid has won (column 18, lines 21-25 and 38-49; column 27, lines 40-48). Rackson et al. do not specifically disclose by what means the winning bidder is informed. However, it has been held that an obvious modification to the teachings of Rackson

et al. would have been to automatically inform the winning bidder of her, his or their winning status (*In re Venner*, 262 F.2d 91, 95, 120 USPQ 192, 196 (CCPA 1958)).

As per claim 49, Rackson et al. disclose a user with the help of the system (column 9, lines 30-35). The Examiner takes Official Notice that a user uploading images to be used in the buying and selling of an item is old and well known.

8. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al., U.S. Patent No. 6,415,270 and Conklin et al., U.S. Patent No. 6,141,653 as applied to claim 31 above and in further view of Robinson et al. 5,915,022.

As per claims 32 and 33, Rackson et al. teach a system for conducting electronic transactions (figures 3, 4, 10 and 14). Conklin et al. disclose sales records (figure 12). However, neither Rackson et al. nor Conklin et al. explicitly recite sending a bill to the purchaser. Robinson et al. teach a method and system for conducting secure transactions comprising obtaining, creating and storing sales and billing records (abstract; figures 1-1-6C). Robinson et al. also teach transmitting a billing record to a purchaser (figure 1-2 and 5). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Rackson et al., Conklin et al. and Robinson et al. in order to authenticate an electronic transaction by providing both parties with an accurate and secure record of the transaction ('022, column 2, lines 35-43).

9. Claims 37 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al., U.S. Patent No. 6,415,270 and Conklin et al., U.S. Patent No. 6,141,653 as applied to claims 31 and 55 above and in further view of Cheng et al., U.S. Patent No. 6,457,076.

As per claims 37 and 56, Rackson et al. teach revisiting (i.e. identifying and parsing a page) auction sites to obtain information pertaining to the subject auction and updating the record for the appropriate auction with the updated information (column 8, lines 22-39; column 9, lines 35-49; column 12, lines 15-23; column 18, lines 5-9; column 23, lines 6-10; column 25, lines 55-61; column 28, lines 25-30). Conklin et al. also disclose updating a database (figure 12). Rackson et al. and Conklin et al. are silent regarding how data is transmitted from a server to a remote database in need of updating. However, Rackson et al. do teach a client (i.e. auction service) receiving a update information from a remote server (i.e. auction) (column 18, lines 5-8). Cheng et al. teach a process for updating a remote client database with data stored at a server by downloading and extracting the data then using the data to update a database (column 3, lines 25-33). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Rackson et al., Conklin et al. and Cheng et al. in order to provide the user with up-to-date information regarding auction status.

10. Claims 38 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al., U.S. Patent No. 6,415,270 and Conklin et al., U.S. Patent No. 6,141,653 as applied to claim 31 above and in further view of Nazeem et al., U.S. Patent No. 5,983,227.

As per claims 38 and 57, Rackson et al. teach an auction monitoring report comprising an auction management record for each of the previously posted subject auction submissions (multiple items) (column 27, lines 35-39; column 28, lines 25-30) where each record has information pertaining to auctions, allows a user to manage auctions (column 23, lines 6-10) and each report has a plurality of records (column 28, lines 25-30). Regarding the displaying of the auction monitoring report and updating the report to include closing information, these features although not explicitly recited are at least suggested, by the system of Rackson et al. as the allows for clients (i.e. buyers and sellers) to monitor auctions (figure 14 (buyer's perspective); column 28, lines 25-30). Conklin et al. (figure 12) teach an interface that informs a seller of the status of a plurality of transactions. However, neither Rackson et al. nor Conklin et al. specifically recite updating a file when the file is opened. Nazeem et al. teach a file such that when the file is opened by a user the file revisits various databases to update its information (figures 2 and 5A). Therefore, it would have been obvious to incorporate the teachings of Nazeem et al. with the Rackson et

al. and Conklin et al. teachings in order to reduce the computational burden on the server side ('270, column 28, lines 25-30; '227, figure 2 and 5A).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Kimura et al. disclose periodic updates
- Wright et al. disclose updating images by a user for use of said images in an electronic auction
- Cameron et al. teach seller-side management system for managing buyer-seller retail transactions

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

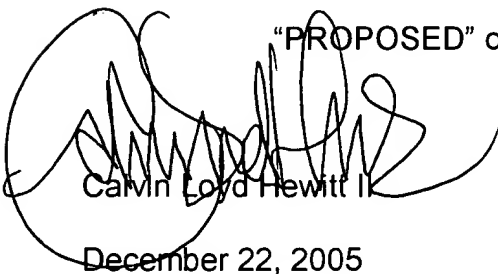
or faxed to:

(571) 273-8300 (for formal communications intended for entry and after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")



Calvin Lloyd Hewitt II
December 22, 2005